

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MILTON RODGERS-CASTILLO, *et al.*,

Plaintiff,

v.

ALLEN, *et al.*,

Defendants.

Case No. 1:25-cv-00304-BAM (PC)

ORDER GRANTING PLAINTIFF MILTON
RODGERS-CASTILLO'S MOTION FOR
EXTENSION OF TIME TO FILE RESPONSE
TO ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE SEVERED

(ECF No. 20)

**Plaintiff Milton Rodgers-Castillo's Response
Due: May 21, 2025**

Plaintiff Milton Rodgers-Castillo, a former state prisoner, and Manuel Rodgers-Castillo, a current state prisoner (collectively, "Plaintiffs"), are proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiffs initiated this joint action on March 12, 2025. (ECF No. 1.) In preparing to screen the complaint, the Court noted that Plaintiff Manuel Rodgers-Castillo filed a notice of change of address indicating that he had been transferred to Salinas Valley State Prison, while Plaintiff Milton Rodgers-Castillo remained housed at Kern Valley State Prison. (ECF No. 15.) In addition, a search of the CDCR California Incarcerated Records and Information Search ("CIRIS") website confirmed that while Plaintiff Manuel Rodgers-Castillo was currently housed at Salinas Valley State Prison, it produced no search results for Plaintiff Milton Rodgers-Castillo

1 under any iteration of his name or CDCR number.¹ Based on this information, on April 10, 2024,
 2 the Court issued an order for Plaintiffs to show cause within twenty-one (21) days why this action
 3 should not be severed pursuant to Federal Rule of Civil Procedure 21. (ECF No. 18.)

4 On April 21, 2025, the Court received a notice of change of address from Plaintiff Milton
 5 Rodgers-Castillo indicating that he had been released from custody and providing an updated
 6 address for service. (ECF No. 19.) The order to show cause was re-served on Plaintiff Milton
 7 Rodgers-Castillo at his new address in San Diego, California on April 22, 2025.

8 Currently before the Court is Plaintiff Milton Rodgers-Castillo's motion for extension of
 9 time to respond to the Court's order to show cause, filed May 5, 2025. (ECF No. 20.) The
 10 motion states that Plaintiff Milton Rodgers-Castillo did not receive the Court's order to show
 11 cause until May 1, 2025, when it was provided to him by his parole agent. Plaintiff Milton
 12 Rodgers-Castillo requests that the Court extend the deadline to respond to the order to show cause
 13 to May 21, 2025. (*Id.*)

14 The Court finds good cause to grant the requested extension of time. Fed. R. Civ. P. 6.
 15 Plaintiff Milton Rodgers-Castillo will be permitted until May 21, 2025 to file his response to the
 16 Court's order to show cause. **Plaintiff Manuel Rodgers-Castillo's response to the Court's**
 17 **order to show cause remains due on or before May 5, 2025, subject to the prison mailbox**
 18 **rule.**²

19 **Plaintiff Milton Rodgers-Castillo is further reminded that, now that he has been**
 20 **released from custody, the prison mailbox rule no longer applies to his filings.** When
 21 Plaintiff Milton Rodgers-Castillo mails papers to the Clerk's Office, filing is complete when the
 22 papers are received by the Clerk. *Cooper v. City of Ashland*, 871 F.2d 104, 105 (9th Cir. 1989)

23
 24 ¹ The Court may take judicial notice of public information stored on the CDCR California Incarcerated Records and
 25 Information Search ("CIRIS") website. *See In re Yahoo Mail Litig.*, 7 F. Supp. 3d. 1016, 1024 (N.D. Cal. 2014)
 26 (court may take judicial notice of information on "publicly accessible websites" not subject to reasonable dispute);
Louis v. McCormick & Schmick Restaurant Corp., 460 F. Supp. 2d. 1153, 1155 n.4 (C.D. Cal. 2006) (court may take
 judicial notice of state agency records).

27 ² Pursuant to the prison mailbox rule, a pleading filed by a *pro se* prisoner is deemed to be filed as of the date the
 28 prisoner delivered it to the prison authorities for mailing to the court clerk. *See Houston v. Lack*, 487 U.S. 266, 270
 (1988); *Douglas v. Noelle*, 567 F.3d 1103, 1108–09 (9th Cir. 2009) (mailbox rule articulated in *Houston* applies to
 civil rights actions).

(emphasis added).

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff Milton Rodgers-Castillo's motion for extension of time, (ECF No. 20), is GRANTED;
2. Plaintiff Milton Rodgers-Castillo shall file his response to the Court's April 10, 2025 order to show cause, (ECF No. 18), on or before **May 21, 2025**;
3. Plaintiff Manuel Rodgers-Castillo's response to the Court's April 10, 2025 order to show cause, (ECF No. 18), remains due on or before **May 5, 2025**; and
4. **Failure to comply with this order will result in severance of this action pursuant to Federal Rule of Civil Procedure 21.**

IT IS SO ORDERED.

Dated: May 7, 2025

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE